

REMARKS

Double Patenting Rejection:

In the Office Action mailed on July 23, 2004, the Examiner rejected all of the pending claims under the judicially created doctrine of obviousness-type double patenting, in view of U.S. Patent No. 6,639,197. The instant application and US 6,639,197 have a common Assignee, namely Nexicor LLC.

A Terminal Disclaimer is enclosed herewith, as suggested by the Examiner, which should obviate this rejection.

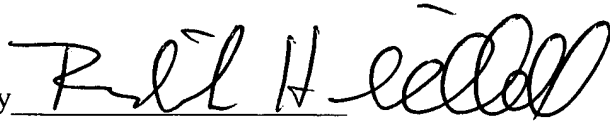
Conclusions

A check is enclosed for the Terminal Disclaimer fee of \$110.00. The Commissioner of Patents and Trademarks is hereby authorized to charge any underpayment or credit any overpayment of fees incurred due to this amendment to Deposit Account No. 50-2116.

Applicants respectfully request the Examiner to enter the enclosed Terminal Disclaimer, and to pass this application to the Notice of Allowance stage.

Respectfully submitted,

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By 

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, Washington, D.C., 20231, this 1st day of September, 2004.

Antoinette B. Clark

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